Supreme Court, U.S.
FILED
10-633 NOV 5 - 2010
OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

In re WILLIAM M. WINDSOR

WILLIAM M. WINDSOR,

Petitioner

v.

Judge Joel F. Dubina, Judge Rosemary Barkett, Judge Edward Earl Carnes, Judge James Larry Edmondson, Judge Frank M. Hull, Judge Stanley Marcus, Judge William H. Pryor, Jr., Judge Gerald Bard Tjoflat, Judge Beverly B. Martin, Judge Susan H. Black, Judge Charles R. Wilson, Judge James C. Hill, Judge Peter T. Fay, Judge Phyllis A. Kravitch, Judge R. Lanier Anderson, and Judge Emmett Ripley Cox

Respondents

On Petition for Writ of Mandamus
To The United States Court of Appeals for The Eleventh Circuit

PETITION FOR WRIT OF MANDAMUS
APPENDIX

William M. Windsor
Pro Se
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IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14214

MAID OF THE MIST CORPORATION.
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter-Defendants-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter-Claimant-Appellant.

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: DUBINA, HULL and FAY, Circuit Judges. PER CURIAM:

BY THE COURT:

Appellants Alcatraz Media, LLC, Alcatraz Media, Inc. (collectively "Alcatraz"), and William Windsor appeal the district court's grant of Appellee Maid of the Mist's ("Maid") motion for summary judgment. Additionally, Alcatraz and Windsor appeal the district court's order granting permanent

injunctive relief against them. Alcatraz and Windsor also appeal the district court's order granting Maid attorney's fees and costs.

We review a district court's order granting summary judgment de novo, reviewing the evidence in the light most favorable to the party opposing the motion. See Patrick v. Floyd Med. Ctr, 201 F.3d 1313, 1315 (11th Cir. 2000). We review the scope of a district court's order granting permanent injunctive relief for abuse of discretion. See Palmer & Cav, Inc. v. March & McLennan Cos. Inc., 404 F.3d 1297, 1308 (11th Cir. 2005).

After reviewing the record, reading the parties' briefs, and having the benefit of oral argument, we conclude the district court properly granted summary judgment to Maid on its claim for tortious interference with business operations and properly issued a permanent injunction against Alcatraz and Windsor. The record demonstrates that Alcatraz and Windsor: (1) acted improperly and without privilege; (2) acted purposely and maliciously with the intent to injure Maid; (3) induced third parties not to enter into or continue a business relationship with Maid; and (4) caused Maid financial injury. Thus, the permanent injunction was properly granted because Maid demonstrated success on the merits, continuing irreparable injury, and the lack of an adequate remedy at law.

We also conclude from the record that the district court properly granted summary judgment in Maid's favor on Alcatraz's counterclaims for

breach of contract, promissory estoppel, and slander, in violation of the Georgia Fair Business Practices Act. Alcatraz's counterclaims were meritless, and Alcatraz asserted these claims to cause Maid unnecessary financial hardship. Because we see no merit to any of the arguments Alcatraz or Windsor make in this appeal, we affirm the district court's order granting summary judgment and its order granting permanent injunctive relief.

Similarly, we conclude that the district court properly determined that Maid is entitled to recover attorney's fees and expenses for its successful tortious interference claim under O.C.G.A. § 13-6-11 based on Alcatraz and Windsor's stubbornly litigious pre-suit conduct that gave rise to this litigation . See Paul v. Destito, 250 Ga. App. 631, 642, 550 S .E.2d 739, 749-750 (Ga. Ct. App. 2001) (stating that a plaintiff can recover fees and expenses for successful claims and cannot recover fees and expenses for unsuccessful claims, abandoned claims, or counterclaim defenses).

We have concerns, however, about the district court's lack of explanation as to the amount of fees and expenses it awarded. Although the district court has considerable latitude in formulating attorney's fee awards, it must describe its calculation of attorney's fees and expenses to provide this court an adequate and informed basis for review. Gilmere v. City of Atlanta, 931 F.2d 811, 814 (11th Cir. 1991). Conclusory statements about the appropriateness of fees and expenses awarded do not allow for meaningful review. See Norman v. Hous. Auto. Of Montgomery, 836 F.2d 1292, 1304 (11th Cir. 1988)

("The court's order on attorney's fees must allow for meaningful review-the district court must articulate the decisions it made, give principled reasons for those decisions, and show its calculation.")

Here, the district court's limited explanation of its award of attorney's fees and expenses precludes meaningful review. The district court stated the amount of fees and expenses it awarded and described them as "reasonable" considering Alcatraz and Windsor's conduct and "the billing judgment exercised in similar cases in the Atlanta market for comparable legal services." On appeal, Alcatraz and Windsor argue that certain specific time and expense entries are not recoverable because many do not relate to Maid's successful tortious interference claim and because those that do are excessive. Because the district court provided such a limited explanation of its calculations, we cannot address these arguments adequately on appeal.

Although the district court properly found that the hourly rates were reasonable, it did not delineate which hours and entries were excluded or reduced as relating to (1) the unsuccessful claims, (2) the defense of counterclaims, and (3) the numerous hours that Alcatraz alleges were excessive for the tasks performed.

A blanket twenty-five percent reduction, without explanation as to why such reduction was appropriate under the circumstances and what hours in the above categories were excluded, does not resolve our concerns. Further, the district court

failed to address the appropriateness of certain expense entries that Alcatraz and Windsor claim are inappropriate or excessive, including, among other things, approximately $19,000 for private jet flights, $25,000 for photocopying, and bills from Brooks Brothers.

Nothing herein should imply that the total amounts awarded were unreasonable. Rather, we simply cannot conduct meaningful review of whether or not they were. Accordingly, we vacate the award of attorney's fees and expenses and remand to the district court for reconsideration of the award with a full, explicit explanation of the reasons for the district court's determination of these amounts.

AFFIRMED, IN PART; VACATED AND REMANDED, IN PART.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 21 2008

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13998-A

WILLIAM M. WINDSOR,

Plaintiff-Appellant,

Versus

UNITED STATES OF AMERICA,
JUDGE ORINDA D. EVANS,
HAWKINS & PARNELL, LLP,
CARL HUGO ANDERSON,
PHILLIPS LYTLE, LLP,
Et al.,

Defendants-Appellees

Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: HULL, MARCUS, and PRYOR, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED sua sponte, for lack of jurisdiction. The district court's July 30, 2009, order is not final or immediately appealable because the order did not dispose of all the parties or claims, and the stay did not effectively put William M. Windsor out of court. See 28 U.S.C. § 1291; Moses H. Cone Mem'l Hosp. v. Mercury Constr. Corp., 460 U.S. 1, 10, 103 S.Ct. 927, 934, 74 L.Ed.2d 765 (1983); Haley v. City of Cumming, 69 F.3d 1098 (11th Cir. 1995); Atlantic Federal Sav. & Loan Ass'n b. Blythe Eastman Paine Webber, Inc., 890 F.2d 371, 375-376 (11th Cir. 1989); Am. Mfrs. Mut. Ins. Co. v. Edward D. Stone, Jr. & Assoc., 743 F.2d 1519, 1523-24 (11th Cir. 1984).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R. 27-2 and all other applicable rules.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

Sep 8 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13086-DD

MAID OF THE MIST CORPORATION.
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter-Defendants-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter-Claimant-Appellant.

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: HULL, MARCUS and PRYOR, Circuit Judges.

BY THE COURT:

After review of the Appellant's motions below, the District Court's Order and Appellant's brief, we DISMISS this appeal AS FRIVOLOUS sua sponte. See Eleventh Circuit Rule 42-4.

All remaining pending motions are DENIED AS MOOT.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

SEP 09 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-14018-A

Dist. Ct. Docket No. 09-02027-WSD-1

IN RE:

William M. Windsor.

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia

BEFORE: TJOFLAT and PRYOR, Circuit Judges.

BY THE COURT:

William M. Windsor, proceeding pro se, filed this mandamus petition, asking this Court to order the recusal of the district judge in Windsor's independent action for relief from the judgment in a prior case in which Windsor was a co-defendant. Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of

discretion." See Jackson v. Motel 6 Multipurpose, Inc. 130 F.3d. 999, 1004 (11th Cir. 1997); In re Lopez-Lukis, 113 F.3d. 1187, 1187-88 (11th Cir. 1997). The petitioner has the burden of showing that the claimed right to issuance of the write is clear and indisputable. Lopez-Lukis, 113 F.3d at 1188.

Recusal of a district court judge is required under 28 U.S.C. § 144 when a party demonstrates that the judge "has a personal bias or prejudice" against him or in favor of an adverse party. A judge must "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Matters arising out of the course of judicial proceedings, however, are not a proper basis for recusal. Disqualification under 455(a) is required only when the alleged bias is personal in nature, that is, stemming from an extra-judicial source. Liteky v. United States, 510 U.S. 540, 554-55, 114 S.Ct. 1147, 1157, 127 L.Ed.2d 474 (1994); Loranger v. Stierheim, 10 F.3d 776, 780 (11th Cir. 1994). Generally, a judge's rulings in a case are not valid grounds for recusal. Loranger, 10 F.3d at 780. "Likewise, a judge's rulings in a related case may not ordinarily serve as the basis for recusal." United States v. Chandler, 996 F.2d 1073, 1104 (11th Cir. 1993) (emphasis added). In rare cases, recusal may be required when "such pervasive bias and prejudice in shown by otherwise judicial conduct as would constitute bias against a party." Loranger, 10 F.3d at 780 (quotation omitted).

Here, Windsor has not shown bias stemming from an extra-judicial source. Rather, his claims of bias and prejudice are based on adverse rulings

made by the district court in a related case, which are not valid grounds for recusal. Chandler, 996 F.2d at 1104. Moreover, the judge's finding in the related case that Windsor made "scurrilous and irresponsible" accusations against another district judge in support of a subpoena Windsor served upon the judge does not show extrajudicial or pervasive bias as to warrant recusal. Accordingly, this mandamus petition is **DENIED**.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

SEP 17 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13086-DD

MAID OF THE MIST CORPORATION.
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter-Defendants-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter-Claimant-Appellant.

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: HULL, MARCUS and PRYOR, Circuit Judges.

BY THE COURT:

Appellant's motion for reconsideration of our September 9, 2009, Order dismissing this appeal as frivolous sua sponte is DENIED.

Appellee's Rule 38 motion for sanctions is DENIED.

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U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

OCT 20 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13998-A

WILLIAM M. WINDSOR,

Plaintiff-Appellant,

Versus

UNITED STATES OF AMERICA,
JUDGE ORINDA D. EVANS,
HAWKINS & PARNELL, LLP,
CARL HUGO ANDERSON,
PHILLIPS LYTLE, LLP,
Et al.,

Defendants-Appellees

Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: HULL, MARCUS, and PRYOR, Circuit Judges.

BY THE COURT:

William M. Windsor's motion for reconsideration is GRANTED IN PART and DENIED IN PART. The motion for reconsideration is DENIED as to the district court's July 30, 2009, written order. The motion for reconsideration is GRANTED with regard to the district court's July 30, 2009 oral order denying Windsor's motion for preliminary injunction. See 28 U.S.C. 1292(a)(1); AT&T Broadband v. Tech Communications, Inc., 381 F.3d 1309, 1314 (11th Cir. 2004). Windsor's motion to file his reply brief out-of-time is GRANTED. Windsor's motion to strike the appellees' response to his motion for reconsideration is DENIED. Windsor's motion to sanction the appellees is DENIED.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

Nov 20 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-15232-D

Dist. Ct. Docket No. 1:06-CV-0714-ODE

IN RE:

William M. Windsor,

Petitioner.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia

BEFORE: EDMONDSON and BIRCH, Circuit Judges.

BY THE COURT:

William M. Windsor, a private individual, files this mandamus petition pro se, requesting that we: (1) order Judge Evans to recuse herself; (2) vacate the orders in the civil case because the district court lacked subject-matter jurisdiction on account of Judge Evans's perjury and obstruction of justice; (3) order the district court to conduct an evidentiary

hearing (4) require the district court to conduct a conference prior to considering the issues; (5) clarify in the writ of mandamus the law in the Circuit for the issues generated by this action; (6) vacate the order denying his motion for recusal; (7) disqualify Judge Evans from participating in the above case or any matter relating to Windsor; (8) assign a new judge, preferably from another district; and (9) order the district court to allow Windsor to conduct discovery on issues raised in 2009. Last, he asserts that Judge Evans has yet to rule on his motions. Windsor also filed a motion requesting that he be allowed to reference docket entries in his mandamus petition without attaching them as exhibits.

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." See Jackson v. Motel 6 Multipurpose, Inc., 130 F.3d 999, 1004 (11th Cir. 1997). Mandamus may not be used as a substitute for appeal or to control decisions of the district court in discretionary matters. Id. "In particular, a writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so," In re Smith, 926 F.2d 1027, 1030 (11th Cir. 1991) (quotation omitted). The petitioner has the burden of showing that the claimed right to issuance of the writ is clear and indisputable. In re Lopez-Lukis, 113 F.3d 1187, 1188 (11th Cir. 1997). Mandamus may be used to direct a district court to decide a pending case where there has been an unreasonable delay in rendering a

decision. Will v. Calvert Fire Ins. Co.; 437 U.S. 655, 661-62, 98 S.Ct. 2552, 2557, 57 L.Ed .2d 504 (1978),

Recusal of a district court judge is required under 28 U .S.C. § 144 when a party demonstrates that the judge "has a personal bias or prejudice" against him or in favor of an adverse party. A judge must "disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Matters arising out of the course of judicial proceedings, however, are not a proper basis for recusal, and disqualification under § 455(a) is required only when the alleged bias is personal in nature, that is, stemming from an extra judicial source. Loranger v. Staerheim, 10 F.3d 776, 780 (11th Cir, 1994). Additionally, while refusals to recuse are reviewable in mandamus, they are also reviewable on appeal. Christo v. Padgett, 22.3 F.3d 1324, 1333 n.10 (11th Cir. 2000). Generally, a judge's rulings in a case are not valid grounds for recusal. Loranger, 10 F.3d at 7$0. Recusal may be required when "such pervasive bias and prejudice is shown by otherwise judicial conduct as would constitute bias against a party." Id. (quotation omitted).

Windsor is not entitled to mandamus relief. His appeal of the denial of his motion to recuse was an adequate alternative remedy regarding his requests for: (1) recusal; (2) a new judge; and (3) voiding the orders in the case, and he may not seek to raise the issues again in mandamus. To the extent he asks us to clarify in the writ of mandamus the law applicable to his issues or to vacate the orders in his case, such relief is not cognizable in mandamus. Last, Windsor's has not established substantial

delay by the district court in ruling on his motions. Accordingly, Windsor's petition for a writ of mandamus is DENIED. His motion to reference docket entries without attaching them as exhibits is DENIED as unnecessary.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

DEC 14 2009

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

_____1:09-CV-02027-WSD_____

No. 09-14735-DD

IN RE:

WILLIAM M. WINDSOR,

Petitioner

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Georgia

---

BEFORE: CARNES, BARKETT, and HULL, Circuit Judges.

BY THE COURT:

Pro se Petitioner William M. Windsor has field three separate petitions for writ of mandamus. In No. 09-16448, Petitioner asks this Court to order District Judge Evans to unseal Docket Entry Bo. 168 filed in Maid of the Mist Corporation v. Alcatraz Media, LLC., Civil Action No. 1:06-CV-0714-ODE. Petitioner also asks this Court to "censure" District Judge Evans for denying Petitioner's motion to unseal that document.

In No. 09-16493, Petitioner asks this Court to order District Judge Evans to allow Alcatraz Media, LLC. And Alcatraz Media, Inc. to proceed without counsel in the now-closed underlying action. Petitioner also asks the Court to "toll the statute of limitations on claims available to Alcatraz to July 27, 2009 or October 22, 2009, the dates on which motions were filed seeking a waiver of representation for Alcatraz." To the extent that such a request can be made to the United States Supreme Court, Petitioner asks that the request be made.

In No. 09-16494, Petitioner asks this Court to Compel District Judge Duffey to recuse himself from Windsor v. U.S., Civil Action No. 1:09-CV-02027-WSD. Petitioner also asks us to direct that all orders in that case be vacated, to require the defendants to file answers, to "notify the appropriate authorities of the appearance of professional misconduct" by individuals associated with the underlying case, and to direct the reassignment of his case to a judge "who is not associated" with District Judge Evans.

The Court notes that Petitioner's two previous petitions for writ of mandamus, Nos. 09-14018 and 09-15232, sought similar relief, at least in part, and that those petitions were denied by this Court. As this Court pointed out in its previous mandamus orders, mandamus is appropriate only when "no other adequate means are available to remedy a clear usurpation of power or abuse of discretion" by the district court. See In re: Loudermilch, 158 F.3d 1143, 1144 (11th Cir. 1998); see also In re: Bethesda Memorial Hosp., Inc., 123 F.3d 1407, 1408 (11th

Cir.1997). In addition, Petitioner has the burden to show that his right to issuance of the writ is 'clear and undisputable.'" See In re Lopez-Lukis, 113 F.3d 1187, 1188 (11th Cir. 1997) citing Kerr v. United States District Court for the Northern District of California, 426 U.S. 394, 403, 96 S.Ct. 2219, 2124, 48 L.Ed.2d 725 (1976).

After review, we find that Petitioner has failed to carry his burden both showing that there is no other adequate remedy or that, on the merits of his petitions, he is entitled to a writ. Therefore, these petitions for writ of mandamus are DENIED.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

FEB 18 2010
THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-14735-DD

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: CARNES, BARKETT and HULL, Circuit Judges.

BY THE COURT:

Now pending before the Court are numerous motions filed both by Appellant and by Appellees Maid of the Mist, et al. ("Maid"). Included in those motions are Appellant's "Emergency Motion to Disqualify Eleventh Circuit Judges and Motion to Change Venue" and Maid's Motion for Sanctions for Filing a Frivolous Appeal.

It is plain from review of Appellant's motion, as well as this history of this appeal and the previous cases filed by Appellant in this Court, that he seeks to disqualify the members of this Court based on his belief that previous adverse rulings were the result of bias, dishonesty or some other improper motivation or intent, up to and including relationships with Judges Evans and Duffey of the Northern District of Georgia.

However, as the Supreme Court stated in Liteky v. U.S., 510 U.S. 540 555,114 S.Ct. 1147, 1157 (1994), "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." see also Byrne v. Nezhat, 261 F.3d 1075, 1103 (11th Cir. 2001); McWhorter v. City of Birmingham, 906 F .2d 674, 678 (11th Cir. 1990). Appellant's motion to disqualify and the other motions filed by Appellant fail to allege any valid basis for disqualification. Consequently, Appellant's motion to disqualify this Court is without merit and is DENIED

In reviewing the motions filed with the Court, we have also reviewed Appellant's brief, which fails to meaningfully challenge the orders on appeal. Consequently, we sua sponte DISMISS this appeal AS FRIVOLOUS AS BRIEFED. See 11th Cir. R. 42-4.

With the exception of Maid's Motion for Sanctions for Filing a Frivolous Appeal, all remaining motions are DENIED AS MOOT.

We now turn to Maid's Motion for Sanctions for Filing a Frivolous Appeal. Although this motion initially cites to 11th Cir. Rule 27-4 (sanctions for filing a frivolous motion), the motion later cites to Fed.R.App.P. 38 and was filed contemporaneously with Maid's brief as required by Rule 38. We therefore consider this motion filed pursuant to Rule 38 and analyze it under that rule. We take into consideration the fact that, despite Appellant's prolific filings, Appellant is a pro se litigant.

Rule 38 provides that: "If a court of appeals determines that an appeal is frivolous, it may, after a separately filed motion or notice from the court and reasonable opportunity to respond, award just damages and single or double costs to the appellee." "The purpose of Rule 38 damages is to compensate appellees who are forced to defend judgments awarded them in the trial court from appeals that are wholly without merit, and to 'preserve the appellate court calendar for cases worthy of consideration.' ... Another important purpose is to discourage litigants from unnecessarily wasting their opponents' time and resources." See Nagle v. Alspach, 8 Fad 141, 145 (3rd Cir. 1993).

We have imposed Rule 38 sanctions upon "appellants who raise 'clearly frivolous claims' in the face of established law and clear facts." See Farese v. Scherer, 342 F.3d 1223, 1232 (11th Cir. 2003) citing Misabec Mercantile, Inc. De Panama v. Donaldson, Lufkin & Jenrette ACLI Futures, Inc., 853 F.2d 834, 841 (11th Cir. 1988).

After review of the matters pending before us, we readily conclude that Appellant's conduct in this Court meets the requirement for imposition of Rule 38 sanctions. Therefore, Maid's Rule 38 motion is GRANTED.

Maid is DIRECTED to file a statement of costs and expenses within twenty-one (21) days of the date of this Order. Appellant's response to Maid's statement will be due within fourteen (14) days of service of Maid's statement.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

FEB 25 2010

THOMAS K. KAHN
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-10349-A

WILLIAM M. WINDSOR,

Versus

UNITED STATES OF AMERICA,
JUDGE ORINDA D. EVANS, et al.,

Appeal from the United States District Court
for the Northern District of Georgia

BEFORE: TJOFLAT, EDMONDSON, and BIRCH, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The district court's September 25, 2009, and October 20, 2009, orders denying William M. Windsor's motions for recusal, are neither final nor immediately appealable, as they did not dispose of his underlying action. See 28 U.S.C. §1291; CSX Transp. Inc. v. City of Garden City, 235

F.3d 1325, 1327 (11th Cir. 2000); Haney v. City of Cumming, 69 F.3d. 1098, 1101 (11th Cir. 1995).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir.R 27-2 and all other applicable rules.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

MAR 17 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 10-10698-A, 09-10699-A, 10-10700-A and 10-10701-A

IN RE:

William M. Windsor.

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Georgia

---

BEFORE: BLACK, CARNES and WILSON, Circuit Judges.

BY THE COURT:

These four pro se petitions for writ of mandamus, filed by Petitioner William M. Windsor, stem from the now-closed litigation between Petitioner, his companies Alcatraz Media, LLC and Alcatraz Media, Inc. ("Alcatraz") and Respondents Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd. ("Maid").

On September 19, 2008, in Maid of the Mist Corporation v. Alcatraz Media, LLC, No. 07-14214, this Court affirmed the grant of summary judgment and the grant of a permanent injunction against Petitioner and Alcatraz. The Court vacated and remanded the award of attorneys' fees and expenses to Maid for reconsideration and an explanation of amount awarded.

On December 9, 2008, the District Court entered a Consent Final Order and Judgment, and the case was closed.

Despite Petitioner's consent to the Final Order and Judgment, Petitioner has continued to challenge the resolution and termination of the underlying litigation. In these four petitions, Petitioner asks this Court to compel Chief District Judge Carnes and District Judge Evans "to perform statutory duties and correct violations of Windsor's constitutional rights." Petitioner also seeks to compel District Judge Evans to unseal documents in the now-closed underlying litigation and to allow Alcatraz to proceed pro se. Petitioner also asks this Court to disqualify District Judge Evans and to vacate all orders entered in the underlying case.

We note that, in addition to these petitions, Petitioner has filed a number of appeals, several of which have been dismissed as frivolous (Nos. 09-13086 and 09-14735) or for lack of jurisdiction (10-10349), and that some five petitions for writ of mandamus previously filed by Petitioner (Nos. 09-14018, 09-15232, 09-16448, 09-16493 & 09-16494) have also been denied. Two appeals remain

pending at this time (Nos. 09-13998 and 10-10139).

As this Court pointed out in its previous mandamus orders, mandamus is appropriate only when "no other adequate means are available to remedy a clear usurpation of power or abuse of discretion" by the district court. See In re: Laudermiich, 158 F.3d 1143, 1144 (11th Cir. 1998); see also In re Bethesda Memorial Hosp., Inc., 123 F.3d 1407, 1408 (11th Cir. 1997). In addition, Petitioner has the burden of show that his right "to issuance of the writ is 'clear and indisputable.'" See In re Lopez-Lukis, 113 F.3d 1187, 1188 (11th Cir. 1997) citing Kerr v. United States District Court for the Northern District of California, 426 U.S. 394, 403, 96 S.Ct. 2119, 2124, 48 L.Ed.2d 725 (1976).

After review, we find that Petitioner has failed to carry his burden both of showing that there is no other adequate alternative remedy or that, on the merits of his petitions, he is entitled to a writ. Therefore, these petitions for writ of mandamus are DENIED.

The motion for stay pending resolution of No. 10-10701, filed in that petition, is DENIED AS MOOT.

We note that since the Consent Final Order and Judgment to which Petitioner was a party was filed with the District Court, Petitioner has filed at least thirteen appeals or mandamus petitions with this Court, which have essentially sought the same relief: to reopen the closed litigation and undo the resolution of that case.

As Petitioner has demonstrated his intention to continue to pursue efforts to re-open and re-litigate a case which was closed with his consent, we are obligated to take steps to limit the waste of judicial resources consumed by Petitioner's efforts. Accordingly, the following restrictions will apply to any future pro se appeals or mandamus petitions taken by Petitioner:

(I) Upon the docketing of any pro se notice of appeal or mandamus petition from Petitioner in any civil case, the matter shall be automatically stayed until such time as Petitioner has paid the docketing fee and the Court has determined if the matter appears to be facially frivolous.

(ii) Until and unless the Court determines that any such matter may proceed, the appeal or mandamus petition shall remain stayed, and the Clerk shall not accept any filings.

The above procedure shall only apply to matters docketed after the date of entry of this Order. In addition, both with respect to new actions and any which may be already pending, the Court retains the discretion to dismiss an appeal or to deny a mandamus petition if it appears at any time that the matter is frivolous and entirely without merit, see Eleventh Circuit Rule 42-4, and/or to impose sanctions for a frivolous appeal, see Federal Rule of Appellate Procedure 38, and/or to impose sanctions for filing a frivolous motion, see Eleventh Circuit Rule 27-4.

Petitioner may file a single motion for reconsideration from this order, which motion does not exceed twenty (20) pages within twenty-one (21) days of the date of this Order.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

APR 14 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-14735-DD

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Appellant

JUDGE ORINDA D. EVANS,

Movant-Appellee.

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: CARNES, BARKETT and HULL, Circuit Judges.

BY THE COURT:

All pending motions filed by Appellant, including Appellant's motion to vacate and for reconsideration, and any request for relief contained

in any other document filed by Appellant are DENIED.

Appellant's response to Appellees Maid of the Mist, et al. ("Maid")'s motion for Eleventh Circuit Rule 27-4 sanctions far exceeds the twenty (20) page limit of Fed.R.App.P. 27(d)(2). Therefore, we STRIKE Appellant's response and direct the Clerk to return that document unfiled.

Maid's motion for Eleventh Circuit Rule 27-4 sanctions for Appellant's filing of frivolous motions is DENIED in light of the Rule 38 sanctions that we award below. However, we note that this Order does not preclude the grant of another Rule 27-4 motion filed in any of Appellant's other appeal or petitions pending with this Court.

In compliance with the direction in our February 25, 2010, Order dismissing the appeal as frivolous and granting Rule 38 sanctions to Maid, Maid has filed a statement of its costs and expenses (including attorneys' fees). Maid seeks an award of Rule 38 sanctions in an amount of $37,401.17.

We have reviewed the declaration of maid's counsel, the records attached thereto, and Appellant's over-long response, which fails to meaningfully challenge the amounts sought by Maid.

We note that the first of Maid's billing entries is for work performed before the notice of appeal for this case was filed in the District Court. Consequently, we discount that entry for $67.50 in our determination of the amount to be awarded.

We GRANT Maid's application for Rule 38 sanctions in the form of attorneys' fees and single costs in the amount of $37,333.67.

As a final matter, we DIRECT the Clerk to accept no further filings from Appellant in this closed appeal.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

Apr 26 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-16448-A, 09-16493-A & 09-16494-A

IN RE:

WILLIAM M. WINDSOR,

Petitioner

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Georgia

---

BEFORE: CARNES, BARKETT, and HULL, Circuit Judges.

BY THE COURT:

On February 18, 2010, this Court dismissed these three petitions. Subsequent to entry of that Order, Petitioner and Respondents Maid of the Mist, et. Al., ("Maid") have filed a number of motions. We hereby DENY all pending motions filed by either Petitioner or Maid in these three petitions. The only moti0on which we will discuss here is Petitioner's motion to disqualify this Court and for transfer of his petitions to another venue.

As this Court noted in its February 25, 2010, Order dismissing Maid of the Mist Corp. v. Windsor, No. 09-14735, review of Petitioner's motion establishes that the basis of his attempt to disqualify or recuse this Court is Petitioner's belief that previous adverse rulings were the result of bias, dishonesty or some other improper motivation or intent.

We also noted that the Supreme Court stated in Liteky v. U.S., 510 U.S. 540 555,114 S.Ct. 1147, 1157 (1994), "judicial rulings alone almost never constitute a valid basis for a bias or partiality motion." See also Byrne v. Nezhat, 261 F.3d 1075, 1103 (11th Cir. 2001); McWhorter v. City of Birmingham, 906 F .2d 674, 678 (11th Cir. 1990). As with the motion to disqualify filed in No. 09-14735, Petitioner's motion to disqualify and the other motions filed by the Petitioner fail to allege any valid basis for disqualification of any member of this Court. Consequently, Petitioner's motion to disqualify this Court and for transfer to another venue is without merit and is DENIED.

As these petitions have previously been dismissed and all pending motions have been resolved by this Order, the Clerk is directed to accept no further filings in these petitions.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

APR 27 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-10349-A

WILLIAM M. WINDSOR,

Versus

UNITED STATES OF AMERICA,
JUDGE ORINDA D. EVANS, et al.,

Appeal from the United States District Court
for the Northern District of Georgia

BEFORE: TJOFLAT, EDMONDSON, and BIRCH, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. The district court's September 25, 2009, and October 20, 2009, orders denying William M. Windsor's motions for recusal, are neither final nor immediately appealable, as they did not dispose of his underlying action. See 28 U.S.C. §1291; CSX Transp. Inc. v. City of Garden City, 235

F.3d 1325, 1327 (11th Cir. 2000); Haney v. City of Cumming, 69 F.3d. 1098, 1101 (11th Cir. 1995).

Appellant may file a single motion for reconsideration from this order, which must comply with the timing, page and format requirements of 11th Cir.R 27-2 and all other applicable rules.

The Clerk is directed to accept no other documents or motions from Appellant for filing this appeal except the single motion for reconsideration

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

APR 29 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11158-AA & 10-11981-AA

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

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ORDER:

On April 14, 2010, in In Re William M. Windsor, Nos. 10-10698, 10-10699, 10-10700 and 10-10701, this Court entered a consolidated order denying Appellant's petitions for mandamus. The Order established a frivolity screening requirement for any future appeals or mandamus petitions. The Order further provided that no documents were to be filed in any appeal or mandamus petition until after the frivolity review had been undertaken.

On April 9, 2010, the District Court entered an order (Docket No. 752) and Judgment (Docket No. 753) imposing attorneys' fees against Appellant personally. On April 26, 2010, the District Court found Appellant in contempt of its December 22, 2009 order and directed Appellant to purge himself of that contempt. See Docket No. 794.

Since the April 9 attorneys' fees order was entered, Appellant has filed numerous notices of appeal. Our initial review has established that Docket Nos. 766, 780, 805, 847 and 850 are the notices of appeals included in Appeal No. 10-11758. Docket No. 808 is docketed here as Appeal No. 10-11981.

Based on an initial review of the orders encompassed by Appellant's many notices of appeal, it appears that these appeals ARE NOT FRIVOLOUS and MAY PROCEED.

The Court notes that, although these appeals have been found not frivolous in this initial review, this Order does not prevent a subsequent determination by the Court, either upon motion or sua sponte, that these appeal are frivolous as briefed or for any other reason or subsequent development. The determination in this Order is merely made to allow these appeals to proceed past this initial screening.

In light of this determination, the Clerk is directed to FILE Appellant's "Motion to Clarify Orders Appealed or Motion to Consolidate Appeals" in No. 10-11758 as of this date.

To the extent that Appellant's motion to "clarify" or to "consolidate" asks this Court to determine whether the May 4, 2010, Order denying reconsideration (Docket No. 833) is included in No. 10-11758, the Court GRANTS that motion as our initial review suggests that order is incorporated in Appellant's May 5, 2010 notice of appeal (Docket No. 850).

Although these appeals may proceed, Appellant is cautioned that he is required to strictly comply with the formatting and length requirements established in the Federal Rules of Appellate Procedure for both motions and briefs. Appellant MAY NOT seek an extension of pages or words for any document filed by him in either of these appeals.

Nor may Appellant file multiple motions seeking the same relief or reconsideration of any Order of this Court. Appellant may file only a single motion seeking any type of relief and may file only a single motion for reconsideration of any Order of this Court.

/s
UNITED STATES CIRCUIT JUDGE

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 16 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-14735-DD

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Appellant

JUDGE ORINDA D. EVANS,

Movant-Appellee.

On Appeal from the United States District Court for the Northern District of Georgia

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ORDER:

Consistent with the Court's April 26, 2010, Order barring any additional filings in this closed appeal, the Clerk is directed to return unfiled the documents tendered by Appellant after entry of our Order.

The Clerk may discard any documents
tendered by Appellant after the entry of this Order.

/s/

UNITED STATES CIRCUIT JUDGE

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 28 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-12515-A & 10-12516-A

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter Defendants-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter Claimant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

---

ORDER:

On April 14, 2010, in In Re William M. Windsor, Nos. 10-10698, 10-10699,10-10700 and 10-10701, this Court entered a consolidated order denying Appellant's petitions for mandamus. The Order established a frivolity screening requirement for any future appeals or mandamus petitions. The Order further provided that no documents were to be filed in any appeal or mandamus petition until after the frivolity review had been undertaken.

On April 9, 2010, the District Court entered an order (Docket No. 752) and Judgment (Docket No. 753) imposing attorneys' fees against Appellant personally. Appellant's appeal from those orders has been docketed here as No. 10-11758.

On May 4, 2010, the District Court denied Appellant's motion for reconsideration of its April 9, 2010, Order. See Docket No. 833. Appellant's appeal from that order is docketed here as No. 10-12515.

On April 30, 2010, the District Court entered an order imposing additional attorneys' fees against Appellant. See Docket Nos. 816 and 817. Appellant's appeal from that order is docketed here as No. 10-12516.

The Court notes that, although these appeals have been found not frivolous in this initial review, this Order does not prevent a subsequent determination by the Court, either upon motion or sua sponte, that these appeal are frivolous as briefed or for any other reason or subsequent development. The determination in this Order is merely made to allow these appeals to proceed past this initial screening.

Although these appeals may proceed, Appellant is cautioned that he is required to strictly comply with the formatting and length requirements established in the Federal Rules of Appellate Procedure for both motions and briefs. Appellant MAY NOT seek an extension of pages or words for any document filed by him in either of these appeals.

Nor may Appellant file multiple motions seeking the same relief or reconsideration of any Order of this Court. Appellant may file only a single motion seeking any type of relief and may file only a single motion for reconsideration of any Order of this Court.

On its own motion, the Court hereby CONSOLIDATES Nos. 10-11758 and 10-12515.

/s
UNITED STATES CIRCUIT JUDGE

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUN 29 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

1:06-CV-0714

No. 10-12517-A

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,
Plaintiffs-Counter Defendants- Appellees,

Versus

WILLIAM M. WINDSOR,
Defendant-Counter Claimant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

BEFORE: CARNES, HULL and MARCUS, Circuit Judges.

BY THE COURT:

On its own motion, the Court hereby DISMISSES this appeal AS FRIVOLOUS pursuant to Eleventh Circuit Rule 42-4.

Pursuant to Fed.R.App.P.2, we hereby SUSPEND any rule which would allow Appellant to

seek reconsideration of this Order. Appellant is prohibited from any further filings in this closed appeal.

The Clerk is directed to accept no further filings in this appeal and may discard any documents tendered by Appellant.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 12 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-12450-A

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter Defendants-Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter Claimant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: EDMONDSON, BIRCH and WILSON, Circuit Judges.

BY THE COURT:

On its own motion, the Court hereby DISMISSES this appeal AS FRIVOLOUS pursuant to Eleventh Circuit Rule 42-4.

Pursuant to Fed.R.App.P.2, we hereby SUSPEND any rule which would allow Appellant to seek reconsideration of this Order. Appellant is

prohibited from any further filings in this closed appeal.

The Clerk is directed to accept no further filings in this appeal and may discard any documents tendered by Appellant.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 14 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-11981-A

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter Defendants- Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter Claimant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: BIRCH and BLACK, Circuit Judges.

BY THE COURT:

Appellant's motion for reconsideration of this Court's June 30, 2010, Order construing Appellant's "Notice of Filing of Withdrawal of Notice of Appeal," as a motion to dismiss this appeal with prejudice and granting that motion, is GRANTED to the extent that this appeal is hereby REINSTATED.

The Clerk is directed to issue a briefing schedule in this appeal at the appropriate time.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

JUL 26 2010

JOHN LEY
CLERK

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-10139-AA

MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter Defendants- Appellees,

Versus

WILLIAM M. WINDSOR,

Defendant-Counter Claimant-Appellant

On Appeal from the United States District Court for the Northern District of Georgia

---

BEFORE: DUBINA, Chief Judge, PRYOR and ANDERSON, Circuit Judges.

BY THE COURT:

Appellant's motion for an extension until October 1, 2010, to file a petition for rehearing and rehearing en banc is GRANTED IN PART to the extent that Appellant's rehearing petition will be due within fourteen (14) days of the date of this Order.

Appellant's motion to publish the opinion issued in this appeal is DENIED.

FILED
U.S.COURT OF APPEALS
ELEVENTH CIRCUIT

SEP 13 2010

JOHN LEY
CLERK

CONSTITUTIONAL PROVISIONS, TREATISES, STATUTES, ORDINANCES, AND REGULATIONS

28 U.S.C. § 144 Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith

28 U.S.C. § 455 Disqualification of justice, judge, or magistrate judge

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3) Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation;

(2) the degree of relationship is calculated according to the civil law system;

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(4) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome),

disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

Constitution of the United States – Article VI:

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.
This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Constitution of the United States – First Amendment:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech,

or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Constitution of the United States – Fifth Amendment:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Constitution of the United States – Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Constitution of the United States – Eighth Amendment:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Constitution of the United States – Ninth Amendment:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Constitution of the United States – Fourteenth Amendment:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a

State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.